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**FEDERAL ELECTION COMMISSION**  
**999 E Street, N.W.**  
**Washington, D.C. 20463**

**FIRST GENERAL COUNSEL'S REPORT**

**MUR 6073**

**DATE COMPLAINT FILED:** September 15, 2008  
**DATE OF NOTIFICATION:** September 22, 2008  
**DATE OF LAST RESPONSE:** October 20, 2008  
**DATE ACTIVATED:** November 24, 2008  
**EPS:**  
**STATUTE OF LIMITATIONS:** April 1, 2012-  
October 21, 2013

**COMPLAINANTS:** National Republican Congressional Committee  
Elizabeth Beacham

**RESPONDENTS:** Patriot Majority  
Patriot Majority West  
Patriot Majority Midwest  
Patriot Majority New Mexico  
Craig Varoga

**RELEVANT STATUTES:** 2 U.S.C. § 431(4)(A)  
2 U.S.C. § 431(8)(A)  
2 U.S.C. § 431(9)(A)  
2 U.S.C. § 433  
2 U.S.C. § 434  
2 U.S.C. § 441a  
2 U.S.C. § 441b  
11 C.F.R. § 100.22(a)-(b)  
11 C.F.R. § 100.57

**INTERNAL REPORTS CHECKED:** Disclosure Reports

**FEDERAL AGENCIES CHECKED:** Internal Revenue Service

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**I. INTRODUCTION**

Patriot Majority, Patriot Majority West, Patriot Majority Midwest and Patriot Majority New Mexico (also referred to as "PM 527s") are all entities organized under Section 527 of the Internal Revenue Code. The complaint in this matter alleges that the PM 527s and Craig Varoga, who has executive positions in all of the PM 527s (collectively referred to as "Respondents"), violated the Federal Election Campaign Act of 1971, as amended (the "Act"), by failing to register with the Commission as political committees and properly disclose their activities in reports filed with the Commission after exceeding the \$1,000 threshold necessary to trigger political committee status under the Act. The complaint alleges that the PM 527s exceeded the \$1,000 threshold by making expenditures for television advertisements opposing nine Federal Republican candidates in various 2008 congressional races. In addition, the complaint alleges that the PM 527s exceeded the \$1,000 threshold by accepting contributions, including large amounts from labor organizations.

In response to the complaint, the Respondents assert that none of their solicitations implicate 11 C.F.R. § 100.57 because they "carefully did not solicit a gift, subscription, loan, advance, or deposit of money or anything of value with a communication that indicates any portion of the funds received will be used to support or oppose a clearly identified Federal candidate." See Affidavit of Craig Varoga. In addition, they contend that they have not made expenditures that would trigger political committee status under the Act because none of their communications contain express advocacy nor are they the "functional equivalent" of express advocacy as defined by the

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1 twenty-four (24) advertisements that contained references to nineteen (19) Federal  
2 candidates and the relevant electorate. *See* Form 9s; *see also* Forms 8872. The  
3 complaint specifically refers to ten (10) television advertisements with references to nine  
4 (9) of those Federal candidates. *See* Complaint. The details regarding the advertisements  
5 specifically referred to in the complaint are as follows<sup>6</sup>:

<u>Ad Title</u>	<u>Airer</u>	<u>Air Dates</u>	<u>Disbursement Amount</u> <sup>7</sup>
"Struggling" – Cong. Chabot (OH)	PM Midwest	7/28-8/10/08	Unknown
"Support Our Troops" – Cong. Diaz-Balart (FL)	PM	9/08-9/28/08	\$567,240
"Clobbered" – Cong. Knollenberg (MI)	PM Midwest	9/9-9/27-08	\$450,000
"Choice" – Cong. Pearce (NM)	PM Midwest	8/01-8/21/08	Unknown
"Overblown" – Cong. Schmidt (OH)	PM	Spring 2007	Unknown
"Paying For It" – State Sen. Schuring (OH)	PM Midwest	9/9-9/29/08	\$100,000
"Struggle" – State Sen. Stivers (OH)	PM Midwest	9/20-10/5/08	\$387,340
"Trickle" – State Sen. Stivers (OH)	PM Midwest	9/8-9/19-08	\$458,500
"\$155 Billion" – Cong. Sununu (NH)	PM	9/4-9/29/08	\$900,000
"Future" – Cong. Walberg (MI)	PM Midwest	7/23-8/8/08	\$297,000

6  
7 The additional advertisements aired by the PM 527s referencing Federal  
8 candidates, not included in the complaint, are as follows:

9  
10  
11

<sup>6</sup> Transcripts of the ten television advertisements specifically referred to in the complaint are appended hereto at Attachment 1. In addition, the television advertisements, not specifically referred to in the complaint, can be found at <http://www.patriotmajority.com> under the "Patriot TV" banner.

<sup>7</sup> The response states that "Struggling" was aired during the time period of 7/28-8/10/08 and "Choice" was aired during the time period of 8-1-21/08 which were outside of the 60 day time period required for disclosing electioneering communications on Form 9s pursuant to 11 C.F.R. § 100.29(a)(2). *See* Response at 4-5. Therefore, the details of these particular communications are not found in PM Midwest's Form 9 filings. In addition, "Overblown" was apparently aired in Spring 2007 which would also be outside of the 60 day time period required disclosing electioneering communications on Form 9s.

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Advertisement Title	Airrr	Disbursement Date	Disbursement Amount
"Hit" <sup>10</sup> - Cong. Bill Sali	PM West	10/11/08	\$200,000
"Called" - Bill Sali	PM West	10/26/08	\$110,000 +\$8,420 (production expense)
"Damage" - Sen. Roger Wicker	PM	10/27/08	\$155,500
"The Basics" - Fmr. State. Rep. Ann Kirkpatrick (radio ad)	PM West	10/28/08	\$7,500

1

2

Below is a representative example of the type of advertisement aired by the PM

3

527s during the 2008 election cycle:

4

**Ad Transcript #2**

5

**Steve Chabot**

6

**"Struggling"**

7

Visual	Audio
<i>It's a shame</i>	IT'S A SHAME.
<i>[Picture of gas prices increasing at pump] Steve Chabot The Problem in Washington</i>	GAS PRICES ARE HURTING OHIO, BUT OUR CONGRESSMAN --STEVE CHABOT IS PART OF THE PROBLEM IN WASHINGTON. . WE'RE STRUGGLING TO MEET RISING FOOD COSTS, AND SKY HIGH GAS PRICES,
<i>Rising food &amp; gas prices</i>	
<i>Steve Chabot supported tax breaks for companies... NOT ONCE NOT TWICE FIVE TIMES - BILLIONSSSS</i>	BUT INSTEAD OF HELPING US, CONGRESSMAN CHABOT SUPPORTED TAX BREAKS FOR OIL COMPANIES. NOT ONCE, NOT TWICE, BUT FIVE TIMES.
	CHABOT VOTED FOR BILLIONS IN SPECIAL TAX BREAKS TO OIL COMPANIES, EVEN THOUGH THEY'RE MAKING RECORD PROFITS.
<i>Tell Steve Chabot Stop siding with Big Oil Stop siding with Big Oil Men (513) 684-2723 Paid for by Patriot Majority Midwest</i>	TELL STEVE CHABOT TO STOP SIDING WITH BIG OIL. ..AND BIG OILMEN.

<sup>10</sup> The Form 9s list two different air dates for "Hit" and Called" but appears to use both terms to describe what could be only advertisement. In addition, the PM website only contains the advertisement named "Called" which presents the possibility that the advertisements "Hit" and "Called" are one in the same. Accordingly, for the sake of the report, we are viewing them as one advertisement.

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PM maintains a website that contains links to information on PM West and PM Midwest. See <http://www.patriotmajority.com>. The "Patriot TV" link on PM's website contains media player clips of the television advertisements that were aired by PM, PM West and PM Midwest during the 2008 election cycle.<sup>11</sup> *Id.* The website does not, however, appear to include any solicitation for funds. *Id.*

### III. LEGAL ANALYSIS

The Act defines a "political committee" as any committee, club, association, or other group of persons that receives "contributions" or makes "expenditures" for the purpose of influencing a federal election which aggregate in excess of \$1,000 during a calendar year. 2 U.S.C. § 431(4)(A). To address overbreadth concerns, the Supreme Court has held that only organizations whose major purpose is campaign activity can potentially qualify as political committees under the Act. See, e.g., *Buckley v. Valeo*, 424 U.S. 1, 79 (1976); *FEC v. Massachusetts Citizens for Life*, 479 U.S. 238, 262 (1986) ("*MCFL*"). The Commission has long applied the Court's major purpose test in determining whether an organization is a "political committee" under the Act, and it interprets that test as limited to organizations whose major purpose is federal campaign activity. See Political Committee Status: Supplemental Explanation and Justification, 72 Fed. Reg. 5595, 5597, 5601 (Feb. 7, 2007); see also FEC's Mem. in Support of Its Second Mot. For Summ. J., *Emily's List v. FEC*, Civ. No. 05-0049 at 21 (D.D.C. Oct. 9, 2007).

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<sup>11</sup> According to the Respondents, the "Overblown" advertisement featuring Congresswoman Schmidt was aired in the springtime of 2007 and not during the 2008 election cycle. See Response. Congressman Schmidt was not up for re-election in 2008.

1           The Commission's approach to complaints alleging that Section 527  
2 organizations are political committees has evolved over time. For Section 527  
3 organizations operating during the 2004 election cycle, the Commission concluded there  
4 was reason to investigate whether they had triggered political committee status when the  
5 available information demonstrated that the objective of a group was to influence a  
6 federal election and the group raised and spent substantial sums of money in furtherance  
7 of that objective. In such instances, the Commission concluded it was appropriate to  
8 investigate whether, among those funds spent and received, the groups had made \$1,000  
9 in "expenditures" or received \$1,000 in "contributions."<sup>12</sup> See, e.g., the Factual and  
10 Legal Analysis of MURs 5577 and 5620 (National Association of Realtors – 527 Fund).

11           For matters arising out of the 2006 election cycle and beyond, however, the  
12 Commission indicated during a discussion of MUR 5842 (Economic Freedom Fund) in  
13 the September 11, 2007 Executive Session that, due to developments in the law,  
14 including the distillation of the meaning of "expenditure" through the enforcement  
15 process and the promulgation of 11 C.F.R. § 100.57 addressing when funds received in  
16 response to solicitations are treated as contributions, it would now require that there be  
17 some information suggesting a specific expenditure was made or a contribution received  
18 prior to authorizing an investigation.

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12 The Commission had observed in prior matters involving 527 organizations that the complainant and the Commission will not have access to all solicitations and communications at this preliminary stage of the enforcement process in the vast majority of cases. For this reason, the Commission did not require evidence that the 527 organization triggered the statutory threshold of \$1,000 in contributions or expenditures before finding reason to believe, provided available information suggested that the organization has the sole or primary objective of influencing federal elections and has raised and spent substantial funds in furtherance of that objective. See, e.g., the Factual and Legal Analyses of MURs 5487 (Progress for America Voter Fund) and 5751 (The Leadership Forum).

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1           Based on a review of the complaint and response, as well as the publicly available  
2 advertisements run by the PM 527s, and the information contained on their website, there  
3 is no information available at this time suggesting that any of the PM 527s may have  
4 made over \$1,000 in expenditures or received over \$1,000 in contributions.<sup>13</sup>

5           **A. There is No Information Suggesting the PM 527s Have Made**  
6           **Expenditures Exceeding \$1,000.**  
7

8           The term "expenditure" is defined to include "any purchase, payment,  
9 distribution, loan, advance, deposit, or gift of money or anything of value, made by any  
10 person for the purpose of influencing an election for Federal office." *See* 2 U.S.C.  
11 § 431(9)(A)(i). In determining whether an organization makes an expenditure, the  
12 Commission "analyzes whether expenditures for any of the organization's  
13 communications made independently of a candidate constitute express advocacy either  
14 under 11 C.F.R. § 100.22(a), or the broader definition at 11 C.F.R. § 100.22(b)." *See*  
15 Political Committee Status: Supplemental Explanation and Justification, 72 Fed. Reg.  
16 5595, 5605 (Feb. 7, 2007). Under the Commission's regulations, a communication  
17 contains express advocacy when it uses phrases such as "vote for the President," "re-elect  
18 your Congressman," or "Smith for Congress," or uses campaign slogans or individual  
19 words, "which in context can have no other reasonable meaning than to urge the election  
20 or defeat of one of more clearly identified candidate(s)...." *See* 11 C.F.R. §100.22(a);  
21 *Buckley v. Valeo*, 424 U.S. 1, 44 n. 52 (1976); *see also* MCFL, 479 U.S. at 249.

22           The second part of this regulation encompasses a communication that, when taken  
23 as a whole or with limited reference to external events, "could only be interpreted by a

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<sup>13</sup> Because there is no information available suggesting that the PM 527s made expenditures or received contributions, we do not address whether the PM 527s meet the major purpose test.

1 reasonable person as containing advocacy of the election or defeat of one or more clearly  
2 identified candidate(s) because" it contains an "electoral portion" that is "unmistakable,  
3 unambiguous, and suggestive of only one meaning" and "reasonable minds could not  
4 differ as to whether it encourages actions to elect or defeat one or more clearly identified  
5 candidate(s) or encourages some other kind of action." See 11 C.F.R. § 100.22(b). In its  
6 discussion of then-newly promulgated section 100.22, the Commission stated that  
7 "communications discussing or commenting on a candidate's character, qualifications or  
8 accomplishments are considered express advocacy under the new section 100.22(b) if, in  
9 context, they have no other reasonable meaning than to encourage actions to elect or  
10 defeat the candidate in question." See 60 Fed. Reg. 35292, 35295 (July 6, 1995).

11 As noted earlier, PM, PM Midwest and PM West apparently distributed a total of  
12 twenty-three (23) advertisements during the 2008 election cycle and one advertisement in  
13 2007 (Cong. Schmidt) that referenced Federal candidates. While they clearly criticize the  
14 voting records and positions of Federal candidates on various issues, the advertisements  
15 do not contain phrases, individual words, or slogans that are subject to no reasonable  
16 interpretation other than to urge the election or defeat of a clearly identified Federal  
17 candidate. See 11 C.F.R. § 100.22(a). Further, the advertisements do not contain an  
18 "electoral portion" that is "unmistakable, unambiguous, and suggestive of only one  
19 meaning" upon which reasonable minds could differ as to whether it encourages electoral  
20 or some other action. See 11 C.F.R. § 100.22(b). The advertisements focus on the  
21 federal candidate's record or position on an issue without reference to character or fitness  
22 for office and end with asking the viewer or listener to contact the candidate at the

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1 telephone numbers provided and tell him or her to stop taking a specific action.<sup>14</sup>  
2 Viewing the advertisements as a whole, one can reasonably conclude that they are being  
3 asked to contact the federal candidate and urge them to take a specific position on an  
4 issue or legislation. Therefore, there is no information that the PM 527s may have made  
5 expenditures exceeding \$1,000.

6 **B. There is Information Suggesting the PM 527s Have Received**  
7 **Contributions Exceeding \$1,000.**  
8

9 The term "contribution" is defined to include "any gift, subscription, loan,  
10 advance, or deposit of money or anything of value made by any person for the purpose of  
11 influencing any election for Federal office." 2 U.S.C. § 431(8)(A)(i). A gift,  
12 subscription, loan, advance, or deposit of money or anything of value made by any  
13 person in response to any communication is a contribution to the person making the  
14 communication if the communication indicates that any portion of the funds received will  
15 be used to support or oppose the election of a clearly identified Federal candidate.  
16 11 C.F.R. § 100.57(a).

17 The complaint specifically alleges that the PM 527s received contributions under  
18 11 C.F.R. § 100.57. No information has been presented, however, regarding how the PM  
19 527s solicited funds, and the sworn affidavit submitted by Craig Varoga, in conjunction  
20 with the response, avers that none of the solicitations made by the PM 527s implicate  
21 11 C.F.R. § 100.57 because they "carefully did not solicit a gift, subscription, loan,  
22 advance, or deposit of money or anything of value with a communication that indicates

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<sup>14</sup> Referencing the past voting record of an officeholder on a particular issue does not, by itself, constitute a position on the officeholder's character, qualifications, or fitness for office. See Electioneering Communications: Explanation and Justification, 72 Fed. Reg. 72,899, 72903 (Dec. 26, 2007).

1 any portion of the funds received will be used to support or oppose a clearly identified  
2 Federal candidate." See Craig Varoga affidavit. Further, there is no indication on the  
3 website for PM, PM Midwest and PM West that any of the entities solicited donations on  
4 their website. See <http://www.patriotmajority.com>. Therefore, there is no information  
5 that the PM 527s may have accepted contributions exceeding \$1,000.<sup>15</sup>

6 **C. Conclusion**

7 Therefore, we recommend that the Commission find no reason to believe that the  
8 Patriot Majority, Patriot Majority West, Patriot Majority Midwest, Patriot Majority New  
9 Mexico and Craig Varoga violated 2 U.S.C. §§ 433, 434, 441a(f), and 441b(a) by failing  
10 to register as a political committee with the Commission; by failing to disclose its  
11 contributions and expenditures in reports filed with the Commission; by knowingly  
12 accepting contributions in excess of \$5,000; and by knowingly accepting contributions  
13 from a prohibited source.

**IV. RECOMMENDATIONS**

1. Find no reason to believe Patriot Majority, Patriot Majority West, Patriot Majority Midwest, Patriot Majority New Mexico, and Craig Varoga violated 2 U.S.C. §§ 433, 434, 441a(f), and 441b(a) by failing to register as a political committee with the Commission; by failing to report its contributions and expenditures; by knowingly accepting contributions in excess of \$5,000, and by knowingly accepting prohibited contributions from labor organizations;
2. Approve the attached Factual and Legal Analyses;
3. Approve the appropriate letters; and

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<sup>15</sup> The only mention of contributions on the website are contained in the "About Us" section of the PM's website and state "contributions to Patriot Majority are not tax deductible," "Patriot Majority does not coordinate with candidates," and "all decisions regarding content, timing, and placement of issue advertising shall be made by the officers of Patriot Majority independently of any agent of a candidate, party committee or agent of a party committee." *Id.*

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4. Close the file as to all respondents.

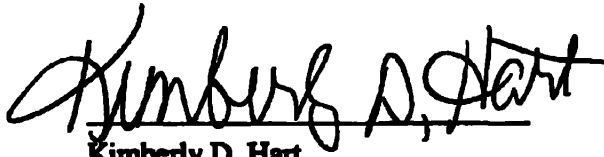
Thomasenia P. Duncan  
General Counsel

1  
2 3/24/09  
3 Date

By:

  
Ann Marie Terzaken  
Associate General Counsel  
for Enforcement

  
Sid Rocke  
Assistant General Counsel

  
Kimberly D. Hart  
Attorney

16 Attachments

17  
18 A. Transcripts for Advertisements  
19  
20  
21  
22

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Exhibit 2

"Struggling"  
OH 1 - Steve Chabot

Visual	Audio
<i>It's a shame</i>	IT'S A SHAME.
<i>[Picture of gas prices increasing at pump] Steve Chabot</i> <i>The Problem in Washington</i>	GAS PRICES ARE HURTING OHIO, BUT OUR CONGRESSMAN -- STEVE CHABOT -- IS PART OF THE PROBLEM IN WASHINGTON.
<i>Rising food &amp; gas prices</i>	WE'RE STRUGGLING TO MEET RISING FOOD COSTS, AND SKY HIGH GAS PRICES,
<i>Steve Chabot supported tax breaks for companies...</i>  <i>NOT ONCE</i> <i>NOT TWICE</i> <i>FIVE TIMES</i>	BUT INSTEAD OF HELPING US, CONGRESSMAN CHABOT SUPPORTED TAX BREAKS FOR OIL COMPANIES.  NOT ONCE, NOT TWICE, BUT FIVE TIMES.
<i>BILLIONSSSS</i>	CHABOT VOTED FOR BILLIONS IN SPECIAL TAX BREAKS TO OIL COMPANIES, EVEN THOUGH THEY'RE MAKING RECORD PROFITS.
<i>Tell Steve Chabot</i> <i>Stop siding with Big Oil</i> <i>Stop siding with Big Oil Men</i> <i>(513) 684-2723</i> <i>Paid for by Patriot Majority Midwest</i>	TELL STEVE CHABOT TO STOP SIDING WITH BIG OIL...AND BIG OILMEN.

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**"Support Our Troops"**  
**Florida 21 – Lincoln Diaz-Balart**

**VISUAL:** Tight close-up shots of each veteran, straight to camera.

**MARC REID:** I served in the army....

**CHRIS MCCOURT:** I served in the Marine Corps.

**JEREMY POLSTON:** I served in Baghdad.

**CHRIS MCCOURT:** In Iraq.

**MARC REID:** Camp Taji.

**MAURICIO DELANUEZ:** Fallujah.

**CHRIS MCCOURT:** We need Congress to support us...

**JEREMY POLSTON:** ...and take care of us when we come home.

**CHRIS MCCOURT:** Congressman Lincoln Diaz-Balart....

**MARC REID:** ....voted against healthcare for our troops....

**GFX:** HR1591, 3/23/07, 4/25/07, 5/2/07

**MAURICIO DELANUEZ:** ...brain injuries...

**GFX:** HR1591, 3/23/07, 4/25/07, 5/2/07

**JEREMY POLSTON:** Voted against...

**GFX:** HR1591, 3/23/07, 4/25/07, 5/2/07

**MARC REID:** ...against burn care.

**GFX:** HR1591, 3/23/07, 4/25/07, 5/2/07

**MAURICIO DELANUEZ:** Congressman Lincoln Diaz-Balart voted for 5 pay raises...

**GFX:** Sun-Sentinel 7/1/07, 6/18/06, 7/3/05, 9/19/04, 7/23/00

**JEREMY POLSTON:** FIVE payraises....

**GFX:** Sun-Sentinel 7/1/07, 6/18/06, 7/3/05, 9/19/04, 7/23/00

**MAURICIO DELANUEZ:** ...for himself.

**GFX:** Sun-Sentinel 7/1/07, 6/18/06, 7/3/05, 9/19/04, 7/23/00

**CHRIS MCCOURT:**

**Call Congressman Lincoln Diaz-Balart. Tell him our  
troops deserve support more than Congress needs a pay raise.**

**GFX: Call Rep. Lincoln Diaz-Balart**

**305-470-8555**

**Support Our Troops**

**Stop Raising Your Own Pay**

**ANNOUNCER:**

**Patriot Majority is responsible for the content of this  
advertising.**

**GFX: Patriot Majority is responsible  
for the content of this advertising.**

**Paid for by Patriot Majority,  
www.patriotmajority.us, and not  
authorized by any candidate or  
candidate's committee.**

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APPROVED BY 1  
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Exhibit 4

"Clobbered"  
M19 - Joe Knollenberg

Visual	Audio
<b>IT'S A SHAME</b>	<b>IT'S A SHAME</b>
<b>Congressman Knollenberg</b> <b>THE PROBLEM IN WASHINGTON</b>	<b>GAS PRICES ARE HURTING EVERYONE, BUT OUR CONGRESSMAN JOE KNOLLENBERG IS PART OF THE PROBLEM IN WASHINGTON.</b>
<b>Knollenberg</b> <b>VOTED FOR BILLIONS IN TAX BREAKS FOR BIG OIL</b>  <b>NOT ONCE NOT TWICE FOUR TIMES</b>	<b>KNOLLENBERG VOTED FOR BILLIONS IN SPECIAL TAX BREAKS TO OIL COMPANIES, NOT ONCE, NOT TWICE, BUT FOUR TIMES.</b>
<b>KNOLLENBERG</b> <b>VOTED TO HELP BIG OIL</b>	<b>WE'RE GETTING CLOBBED AT THE PUMP, BUT KNOLLENBERG VOTED TO HELP THE OIL COMPANIES INSTEAD OF US</b>
<b>Tell Joe Knollenberg</b>  <b>Stop siding with Big Oil</b> <b>(248) 851-1366</b>	<b>TELL CONGRESSMAN KNOLLENBERG TO STOP SIDING WITH BIG OIL.</b>
<b>PATRIOT MAJORITY MIDWEST</b> <b>www.PatriotMajorityMidwest.us</b>	<b>PATRIOT MAJORITY MIDWEST IS RESPONSIBLE FOR THE CONTENT OF THIS ADVERTISING.</b>

Exhibit 5

"Choice"  
NM – Steve Pearce

Visual	Audio
<i>Foreign oil from our enemies...</i>	The choice?  Depend on foreign oil from countries that hate America.
<i>...or clean energy from New Mexico</i>	Or develop clean energy options here in New Mexico.
<i>Steve Pearce: OPPOSED American-made renewable energy</i>	So why has Congressman Steve Pearce opposed incentives for American-made renewable energy?
<i>Pearce &amp; Bush Gave oil companies BILLIONS in Tax Breaks</i>	And why has Congressman Pearce sided with George Bush to give oil companies billions in special tax breaks?
<i>Tell Steve Pearce STOP siding with Big Oil (305) 392-8325</i>	Tell Congressman Pearce to stop siding with Big Oil.
<i>Our Patriotic Duty... Stop sending money to the Middle East Sign the petition <a href="http://www.PatriotMajorityWest.us">www.PatriotMajorityWest.us</a></i>	It's our patriotic duty to stop sending money to the Mid East.  Sign our petition for energy independence..

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Exhibit 6

"Neglect"  
OH 2 - Jean Schmidt

Visual	Audio
<b>IRAQ</b>	<b>IRAQ</b>
<b>Over 3,000 Killed</b>	<b>MORE THAN THREE THOUSAND AMERICAN SOLDIERS KILLED.</b>
<b>23,000 Wounded</b>	<b>TWENTY-THREE THOUSAND WOUNDED.</b>
<b>[Newspaper mastheads]</b>	<b>NOW NEWSPAPERS REVEAL THAT SOME OF OUR WOUNDED ARE HOUSED IN DIRT AND FILTH.</b>
<b>Cockroaches. Mouse droppings. Mold.</b>	<b>COCKROACHES, MOUSE DROPPINGS, MOLD.</b>
<b>Jean Schmidt [Newspaper masthead]</b>	<b>BUT CONGRESSWOMAN JEAN SCHMIDT SAID THE SCANDAL WAS OVERBLOWN.</b>
<b>OVERBLOWN?!?</b>	<b>OVERBLOWN?!?</b>
<b>Jean Schmidt [TV footage; newspaper masthead]</b>	<b>OUR WOUNDED TROOPS LIVING IN DISGUSTING CONDITIONS. WHAT WORLD IS SHE LIVING IN?</b>
<b>Call Jean Schmidt. Tell her to start supporting our troops (513) 791-0381</b>	<b>WE'RE TIRED OF POLITICIANS WHO NEGLECT OUR VETERANS.</b>

Exhibit 7

**"Paying for It"**  
**OH-16 Kirk Schuring**

**Video:** Visuals of Kirk Schuring and George Bush, shaking hands, working crowds. Other frames are visible in the background -- the overall look and feel is that these frames rotate in space. Images are black and white with one color element per frame, and numbers are continuously rolling higher.

**Announcer:** Spending other people's money. That's easy for Kirk Schuring and George Bush.

**Video:** War images: Cost of war ticker moving within still image.

**Announcer:** ...they support spending 12 billion a month on a war that's gone on and on. While they spend over there....back here we pay the price.

**GFX: Cite: AP, 3/9/08**

**Video:** Shot of gas station: Gas pump price and gallons ticker moving within still image.

**Announcer:** Kirk Schuring voted for higher gas taxes

**GFX: Cite: Akron Beacon Journal, 03/26/03**

**Video:** Shot of drug store counter: Cash register ticker moving within still image.

**Announcer:** And the only vote against lowering the price of prescriptions for seniors.

**GFX: Dayton Daily News, 06/06/01**

**Video:** Image of Ohio family.

**Announcer:** It's easy to spend money that's not yours....

The hard part's paying for it. And we do... Every day.

**GFX: Inflation soars to 27 year high; Columbus Dispatch, 8/20/08**

**Video:** Return to visuals of Kirk Schuring and George Bush.

**Audio:** Call Bush and Schuring. Tell them to stop supporting reckless spending.

**GFX: Stop Reckless Spending Call President Bush: (202) 456- 1111 and Kirk Schuring: (614) 466- 0626**

**Announcer:** Patriot Majority Midwest is responsible for the content of this advertising

**GFX: Patriot Majority Midwest is responsible for the content of this advertising. Paid for by Patriot Majority, [www.PatriotMajorityMidwest.us](http://www.PatriotMajorityMidwest.us), and not authorized by any candidate or candidate's committee.**

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Exhibit 8

"Struggle"  
OH-15 - Steve Stivers

Video: Man running (B&W) SFX: heavy breathing, heartbeat  
Voice Over: These days... it's a struggle to keep up.

Video: Man running (B&W) SFX: heavy breathing, heartbeat  
Voice Over: ...especially when Steve Stivers votes for tax cuts for the wealthy.  
GFX: Steve Stivers- Tax Cuts for the Wealthy, Columbus Post Dispatch 4.15.08

Video: Man Running (B&W) SFX: heavy breathing, heartbeat  
Voice Over: While the middle class gets next to nothing...Stivers supports tax breaks for those making more than two hundred thousand dollars.  
GFX: Steve Stivers- Tax Cuts for the Wealthy, Columbus Post Dispatch 4.15.08

Video: Man running: (B&W) SFX: heavy breathing, heartbeat  
Voice Over: And Stivers supports big breaks for millionaires

Video: Man running (B&W) SFX: heavy breathing, heartbeat  
Voice Over: While the middle class falls further behind. (ALT: While the middle class pays for it.)  
GFX: Steve Stivers- Tax Care of the Wealthy, Columbus Post Dispatch 4.15.08; Tax Policy Center

Video: Runner wipes brow (B&W) SFX: heavy breathing, heartbeat  
Voice Over: Steve Stivers, we're running on empty. Stop supporting tax breaks for the rich.  
GFX: Steve Stivers- Give Ohio a Break

Voice Over: Patriot Majority Midwest is responsible for the content of this advertising.  
GFX: Patriot Majority Midwest is responsible for the content of this advertising. Paid for by Patriot Majority Midwest, www.patriotmajoritymidwest.us, and not authorized by any candidate or candidate's committee.

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Exhibit 9

**"Trickle"**  
**OH-15 Steve Stivers**

**VISUAL:** Tight shot of faucet with water flowing, then flow reverses and water flows back up into faucet.

**ANNOUNCER:** They call it trickle down economics....  
...but it's drying up Ohio....

**VISUAL:** Water drops "fall" upward, with graphics.

**ANNOUNCER:** So why does Steve Stivers support George Bush's tax cuts for the wealthy?

**GFX:** Steve Stivers:  
Tax Cuts for the Wealthy  
Columbus Dispatch, 4.15.08

**ANNOUNCER:** Stivers supports breaks to those making more than two hundred thousand dollars

**ANNOUNCER:** ...And next to nothing for middle class families.

**GFX:** Next to Nothing for the Middle Class  
Policy Matters Ohio, 6.18.03

**ANNOUNCER:** And Stivers supports even bigger breaks for millionaires.

**VISUAL:** One drop hangs on the faucet but does not fall.

**ANNOUNCER:** And the middle class...doesn't get a drop.

**GFX:** Steve Stivers:  
Taking Care of the Wealthy  
Columbus Dispatch 4.15.08; Tax Policy Center

**ANNOUNCER:** Steve Stivers, give Ohio a break and stop supporting tax breaks for the rich.

**GFX:** Steve Stivers:  
Give Ohio a Break

**ANNOUNCER:** Patriot Majority is responsible for the content of this advertising.

**GFX:** Patriot Majority is responsible  
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# Exhibit 10

**"\$155 Billion"**

**NH – John Sununu**

Visual	Audio
<p>Broll of signage at gas pump; meter at the pump rolling over quickly; thermostat</p>	<p>There are 155 billion reasons why gas is almost 4 dollars a gallon.</p>
<p>Chyron: \$155 billion in profits</p> <p><i>Congressional Research Service, "Oil Industry Profit Review 2007," April 4, 2008</i></p> <p>Picture of Sununu</p> <p>Chyron: Sununu helped Big Oil</p>	<p>That's what big oil companies made last year... thanks to help from Senator John Sununu.</p>
<p>Sununu and Bush footage</p> <p>Chyron: Sided with George Bush</p> <p>Chyron: Billions in tax breaks for Big Oil (H.R. 8, Roll Call 425, 12/13/07)</p> <p>Chyron: Against renewable energy (H.R. 6049, Roll Call 147, 6/10/08; H.R. 6049, Roll Call 190, 7/29/08)</p> <p>Chyron: Against increasing home heating assistance (H.R. 8, Roll Call 317, 7/31/03; H.R. 2860, Roll Call 336, 9/10/03; <u>H.R. 2863</u>, Roll Call 250, 10/5/05)</p>	<p>Sununu sided with George Bush</p> <p>to protect billions in tax breaks for oil and gas companies</p> <p>and voted against renewable energy.</p> <p>He even voted against increasing home heating assistance.</p>
<p>Chyron: Tell John Sununu STOP siding with Big Oil</p> <p>Call (603) 647-7500</p>	<p>Tell Sununu to stop siding with Big Oil and start supporting U.S. energy independence. It's our patriotic duty.</p>
<p>Paid for by Patriot Majority, <u>www.PatriotMajority.US</u>, and not authorized by any candidate or candidate's committee. Patriot Majority is responsible for the content of this advertising.</p>	<p>Patriot Majority is responsible for the content of this advertising.</p>

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Exhibit 11

"Future"  
MI 7 - Tim Walberg

Visual	Audio
<b>HEAD START</b>  <i>Praised by Republicans and Democrats</i>	THE HEAD START PROGRAM.  IT'S BEEN PRAISED BY BOTH REPUBLICANS AND DEMOCRATS
<b>HEAD START</b>  <i>Helping 2,000 children in our area</i>	MORE THAN 2000 CHILDREN IN OUR PART OF MICHIGAN GET A HEAD START EDUCATION EVERY YEAR.
<i>Congressman Tim Walberg</i>  <i>Voted AGAINST keeping Head Start</i>	BUT OUR CONGRESSMAN, TIM WALBERG, VOTED AGAINST CONTINUING HEAD START.
<i>Vote for Head Start?</i>  <b>YES</b>  <i>Tim Walberg VOTED NO</i>  <i>42 to 1</i>	IN FACT, OF THE 43 COMMITTEE MEMBERS ONLY ONE VOTED AGAINST HEAD START CONGRESSMAN WALBERG; THE VOTE, 42 TO ONE.
<i>Tell Tim Walberg Stop voting against Michigan's future (517) 780-9075</i>	TELL TIM WALBERG TO STOP VOTING AGAINST MICHIGAN'S FUTURE.  PATRIOT MAJORITY MIDWEST IS RESPONSIBLE FOR THE CONTENT OF THIS ADVERTISING.

ATTEST  
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Exhibit 2

"Struggling"  
OH 1 - Steve Chabot

Visual	Audio
<i>It's a shame</i>	IT'S A SHAME.
<i>[Picture of gas prices increasing at pump] Steve Chabot</i> <i>The Problem in Washington</i>	GAS PRICES ARE HURTING OHIO, BUT OUR CONGRESSMAN -- STEVE CHABOT -- IS PART OF THE PROBLEM IN WASHINGTON.
<i>Rising food &amp; gas prices</i>	WE'RE STRUGGLING TO MEET RISING FOOD COSTS, AND SKY HIGH GAS PRICES,
<i>Steve Chabot supported tax breaks for companies...</i>  <i>NOT ONCE</i> <i>NOT TWICE</i> <i>FIVE TIMES</i>	BUT INSTEAD OF HELPING US, CONGRESSMAN CHABOT SUPPORTED TAX BREAKS FOR OIL COMPANIES.  NOT ONCE, NOT TWICE, BUT FIVE TIMES.
<i>BILLIONSSSS</i>	CHABOT VOTED FOR BILLIONS IN SPECIAL TAX BREAKS TO OIL COMPANIES, EVEN THOUGH THEY'RE MAKING RECORD PROFITS.
<i>Tell Steve Chabot</i> <i>Stop siding with Big Oil</i> <i>Stop siding with Big Oil Men</i> <i>(513) 684-2723</i> <i>Paid for by Patriot Majority Midwest</i>	TELL STEVE CHABOT TO STOP SIDING WITH BIG OIL...AND BIG OILMEN.

**"Support Our Troops"**  
**Florida 21 - Lincoln Diaz-Balart**

**VISUAL:** Tight close-up shots of each veteran, straight to camera.

**MARC REID:** I served in the army....

**CHRIS MCCOURT:** I served in the Marine Corps.

**JEREMY POLSTON:** I served in Baghdad.

**CHRIS MCCOURT:** In Iraq.

**MARC REID:** Camp Taji.

**MAURICIO DELANUEZ:** Fallujah.

**CHRIS MCCOURT:** We need Congress to support us...

**JEREMY POLSTON:** ...and take care of us when we come home.

**CHRIS MCCOURT:** Congressman Lincoln Diaz-Balart....

**MARC REID:** ....voted against healthcare for our troops....  
**GFX: HR1591, 3/23/07, 4/25/07, 5/2/07**

**MAURICIO DELANUEZ:** ...brain injuries...  
**GFX: HR1591, 3/23/07, 4/25/07, 5/2/07**

**JEREMY POLSTON:** Voted against...  
**GFX: HR1591, 3/23/07, 4/25/07, 5/2/07**

**MARC REID:** ...against burn care.  
**GFX: HR1591, 3/23/07, 4/25/07, 5/2/07**

**MAURICIO DELANUEZ:** Congressman Lincoln Diaz-Balart voted for 5 pay raises...  
**GFX: Sun-Sentinel 7/1/07, 6/18/06, 7/3/05, 9/19/04, 7/23/00**

**JEREMY POLSTON:** FIVE payraises....  
**GFX: Sun-Sentinel 7/1/07, 6/18/06, 7/3/05, 9/19/04, 7/23/00**

**MAURICIO DELANUEZ:** ...for himself.  
**GFX: Sun-Sentinel 7/1/07, 6/18/06, 7/3/05, 9/19/04, 7/23/00**

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**CHRIS MCCOURT:**

**Call Congressman Lincoln Diaz-Balart. Tell him our  
troops deserve support more than Congress needs a pay raise.**

**GFX: Call Rep. Lincoln Diaz-Balart  
305-470-8555**

**Support Our Troops  
Stop Raising Your Own Pay**

**ANNOUNCER:**

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advertising.**

**GFX: Patriot Majority is responsible  
for the content of this advertising.**

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ATTACHED 1  
2001-2010

Exhibit 4

"Clobbered"

M19 - Joe Knollenberg

Visual	Audio
<b>IT'S A SHAME</b>	<b>IT'S A SHAME</b>
<b>Congressman Knollenberg</b> <b>THE PROBLEM IN WASHINGTON</b>	<b>GAS PRICES ARE HURTING EVERYONE, BUT OUR CONGRESSMAN JOE KNOLLENBERG IS PART OF THE PROBLEM IN WASHINGTON.</b>
<b>Knollenberg</b> <b>VOTED FOR BILLIONS IN TAX BREAKS FOR BIG OIL</b>  <b>NOT ONCE</b> <b>NOT TWICE</b> <b>FOUR TIMES</b>	<b>KNOLLENBERG VOTED FOR BILLIONS IN SPECIAL TAX BREAKS TO OIL COMPANIES, NOT ONCE, NOT TWICE, BUT FOUR TIMES.</b>
<b>KNOLLENBERG</b> <b>VOTED TO HELP BIG OIL</b>	<b>WE'RE GETTING CLOBBED AT THE PUMP, BUT KNOLLENBERG VOTED TO HELP THE OIL COMPANIES INSTEAD OF US</b>
<b>Tell Joe Knollenberg</b>  <b>Stop siding with Big Oil</b> <b>(248) 851-1366</b>	<b>TELL CONGRESSMAN KNOLLENBERG TO STOP SIDING WITH BIG OIL.</b>
<b>PATRIOT MAJORITY</b> <b>MIDWEST</b> <b><a href="http://www.PatriotMajorityMidwest.us">www.PatriotMajorityMidwest.us</a></b>	<b>PATRIOT MAJORITY MIDWEST IS RESPONSIBLE FOR THE CONTENT OF THIS ADVERTISING.</b>

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Exhibit 5

"Choice"  
NM - Steve Pearce

Visual	Audio
<i>Foreign oil from our enemies...</i>	The choice?  Depend on foreign oil from countries that hate America.
<i>...or clean energy from New Mexico</i>	Or develop clean energy options here in New Mexico.
<i>Steve Pearce: OPPOSED American-made renewable energy</i>	So why has Congressman Steve Pearce opposed incentives for American-made renewable energy?
<i>Pearce &amp; Bush Gave oil companies BILLIONS in Tax Breaks</i>	And why has Congressman Pearce sided with George Bush to give oil companies billions in special tax breaks?
<i>Tell Steve Pearce STOP siding with Big Oil (505) 392-8325</i>	Tell Congressman Pearce to stop siding with Big Oil.
<i>Our Patriotic Duty... Stop sending money to the Middle East Sign the petition <a href="http://www.PatriotMajorityWest.us">www.PatriotMajorityWest.us</a></i>	It's our patriotic duty to stop sending money to the Mid East.  Sign our petition for energy independence..

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Exhibit 6

"Neglect"  
OH 2 - Jean Schmidt

Visual	Audio
<i>IRAQ</i>	IRAQ
<i>Over 3,000 Killed</i>	MORE THAN THREE THOUSAND AMERICAN SOLDIERS KILLED.
<i>23,000 Wounded .</i>	TWENTY-THREE THOUSAND WOUNDED.
<i>[Newspaper mastheads]</i>	NOW NEWSPAPERS REVEAL THAT SOME OF OUR WOUNDED ARE HOUSED IN DIRT AND FILTH.
<i>Cockroaches. Mouse droppings. Mold.</i>	COCKROACHES, MOUSE DROPPINGS, MOLD.
<i>Jean Schmidt [Newspaper masthead]</i>	BUT CONGRESSWOMAN JEAN SCHMIDT SAID THE SCANDAL WAS OVERBLOWN.
<i>OVERBLOWN?!?</i>	OVERBLOWN?!?
<i>Jean Schmidt [TV footage; newspaper masthead]</i>	OUR WOUNDED TROOPS LIVING IN DISGUSTING CONDITIONS. WHAT WORLD IS SHE LIVING IN?
<i>Call Jean Schmidt. Tell her to start supporting our troops (513) 791-0381</i>	WE'RE TIRED OF POLITICIANS WHO NEGLECT OUR VETERANS.

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Exhibit 7

**"Paying for It"**  
**OH-16 Kirk Schuring**

**Video:** Visuals of Kirk Schuring and George Bush, shaking hands, working crowds. Other frames are visible in the background -- the overall look and feel is that these frames rotate in space. Images are black and white with one color element per frame, and numbers are continuously rolling higher.

**Announcer:** Spending other people's money. That's easy for Kirk Schuring and George Bush.

**Video:** War images: Cost of war ticker moving within still image.

**Announcer:** ...they support spending 12 billion a month on a war that's gone on and on. While they spend over there....back here we pay the price.

**GFX: Cite: AP, 3/9/08**

**Video:** Shot of gas station: Gas pump price and gallons ticker moving within still image.

**Announcer:** Kirk Schuring voted for higher gas taxes

**GFX: Cite: Akron Beacon Journal, 03/26/03**

**Video:** Shot of drug store counter: Cash register ticker moving within still image.

**Announcer:** And the only vote against lowering the price of prescriptions for seniors.

**GFX: Dayton Daily News, 06/06/01**

**Video:** Image of Ohio family.

**Announcer:** It's easy to spend money that's not yours....  
The hard part's paying for it. And we do... Every day.

**GFX: Inflation soars to 27 year high; Columbus Dispatch, 8/20/08**

**Video:** Return to visuals of Kirk Schuring and George Bush.

**Audio:** Call Bush and Schuring. Tell them to stop supporting reckless spending.

**GFX: Stop Reckless Spending Call President Bush: (202) 456- 1111 and Kirk Schuring: (614) 466- 0626**

**Announcer:** Patriot Majority Midwest is responsible for the content of this advertising

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Exhibit 8

**"Struggle"**  
**OH-15 - Steve Stivers**

**Video:** Man running (B&W) SFX: heavy breathing, heartbeat  
**Voice Over:** These days... it's a struggle to keep up.

**Video:** Man running (B&W) SFX: heavy breathing, heartbeat  
**Voice Over:** ...especially when Steve Stivers votes for tax cuts for the wealthy.  
**GFX:** Steve Stivers- Tax Cuts for the Wealthy, Columbus Post Dispatch 4.15.08

**Video:** Man Running (B&W) SFX: heavy breathing, heartbeat  
**Voice Over:** While the middle class gets next to nothing...Stivers supports tax breaks for those making more than two hundred thousand dollars.  
**GFX:** Steve Stivers- Tax Cuts for the Wealthy, Columbus Post Dispatch 4.15.08

**Video:** Man running: (B&W) SFX: heavy breathing, heartbeat  
**Voice Over:** And Stivers supports big breaks for millionaires

**Video:** Man running (B&W) SFX: heavy breathing, heartbeat  
**Voice Over:** While the middle class falls further behind. (ALT: While the middle class pays for it.)  
**GFX:** Steve Stivers- Tax Care of the Wealthy, Columbus Post Dispatch 4.15.08; Tax Policy Center

**Video:** Runner wipes brow (B&W) SFX: heavy breathing, heartbeat  
**Voice Over:** Steve Stivers, we're running on empty. Stop supporting tax breaks for the rich.  
**GFX:** Steve Stivers- Give Ohio a Break

**Voice Over:** Patriot Majority Midwest is responsible for the content of this advertising.  
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Exhibit 9

"Trickle"  
OH-15 Steve Stivers

**VISUAL:** Tight shot of faucet with water flowing, then flow reverses and water flows back up into faucet.

**ANNOUNCER:** They call it trickle down economics....  
...but it's drying up Ohio....

**VISUAL:** Water drops "fall" upward, with graphics.

**ANNOUNCER:** So why does Steve Stivers support George Bush's tax cuts for the wealthy?

**GFX:** Steve Stivers:  
Tax Cuts for the Wealthy  
Columbus Dispatch, 4.15.08

**ANNOUNCER:** Stivers supports breaks to those making more than two hundred thousand dollars

**ANNOUNCER:** ...And next to nothing for middle class families.

**GFX:** Next to Nothing for the Middle Class  
Policy Matters Ohio, 6.18.03

**ANNOUNCER:** And Stivers supports even bigger breaks for millionaires.

**VISUAL:** One drop hangs on the faucet but does not fall.

**ANNOUNCER:** And the middle class...doesn't get a drop.

**GFX:** Steve Stivers:  
Taking Care of the Wealthy  
Columbus Dispatch 4.15.08; Tax Policy Center

**ANNOUNCER:** Steve Stivers, give Ohio a break and stop supporting tax breaks for the rich.

**GFX:** Steve Stivers:  
Give Ohio a Break

**ANNOUNCER:** Patriot Majority is responsible for the content of this advertising.

**GFX:** Patriot Majority is responsible  
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# Exhibit 10

**"\$155 Billion"**  
**NH – John Sununu**

Version	Revision
Broll of signage at gas pump; meter at the pump rolling over quickly; thermostat	There are 155 billion reasons why gas is almost 4 dollars a gallon.
Chyron: \$155 billion in profits <i>Congressional Research Service, "Oil Industry Profit Review 2007," April 4, 2008</i>  Picture of Sununu Chyron: Sununu helped Big Oil	That's what big oil companies made last year... thanks to help from Senator John Sununu.
Sununu and Bush footage Chyron: Sided with George Bush  Chyron: Billions in tax breaks for Big Oil (H.R. 6, Roll Call 425, 12/13/07) Chyron: Against renewable energy (H.R. 6049, Roll Call 147, 6/10/08; H.R. 6049, Roll Call 180, 7/29/08) Chyron: Against increasing home heating assistance (H.R. 6, Roll Call 317, 7/31/03; H.R. 2860, Roll Call 336, 9/10/03; <u>H.R. 2863</u> , Roll Call 250, 10/5/05)	Sununu sided with George Bush  to protect billions in tax breaks for oil and gas companies  and voted against renewable energy.  He even voted against increasing home heating assistance.
Chyron: Tell John Sununu STOP siding with Big Oil  Call (603) 647-7500	Tell Sununu to stop siding with Big Oil and start supporting U.S. energy independence. It's our patriotic duty.
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Exhibit 11

"Future"  
MI 7 - Tim Walberg

Visual	Audio
<b>HEAD START</b>  <i>Praised by Republicans and Democrats</i>	THE HEAD START PROGRAM.  IT'S BEEN PRAISED BY BOTH REPUBLICANS AND DEMOCRATS
<b>HEAD START</b>  <i>Helping 2,000 children in our area</i>	MORE THAN 2000 CHILDREN IN OUR PART OF MICHIGAN GET A HEAD START EDUCATION EVERY YEAR.
<i>Congressman Tim Walberg</i>  <i>Voted AGAINST keeping Head Start</i>	BUT OUR CONGRESSMAN, TIM WALBERG, VOTED AGAINST CONTINUING HEAD START.
<i>Vote for Head Start?</i>  YES  <i>Tim Walberg VOTED NO</i>  42 to 1	IN FACT, OF THE 43 COMMITTEE MEMBERS ONLY ONE VOTED AGAINST HEAD START CONGRESSMAN WALBERG; THE VOTE, 42 TO ONE.
<i>Tell Tim Walberg Stop voting against Michigan's future (517) 780-9075</i>	TELL TIM WALBERG TO STOP VOTING AGAINST MICHIGAN'S FUTURE.  PATRIOT MAJORITY MIDWEST IS RESPONSIBLE FOR THE CONTENT OF THIS ADVERTISING.

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